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NATIONAL DEFENSE UNIVERSITY

NATIONAL WAR COLLEGE

**FORGING OUR NATIONAL MISSILE DEFENSE POLICY:  
THE REPUBLICANS' STRUGGLE IN THE 104TH CONGRESS**

CORE COURSE 5603 ESSAY

LT COL MARK T HUGHES / CLASS OF 1997  
THE NATIONAL SECURITY POLICY PROCESS

SEMINAR I

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"The 104th Congress, 2nd Session began with election year issues, such as the Defend America Act Both the Congress and the President set their priorities early and often, but neither was positioned to compromise until the final days of the legislative session In the end, all legislation centered around the election and, in many respects, gridlock prevailed "<sup>1</sup>

## Unofficial DoD Summary of the FY97 Legislative Process

### *Introduction*

With President Reagan's Strategic Defense Initiative,<sup>2</sup> the Republicans and Democrats drew battle lines over a National Missile Defense (NMD) system to protect the United States from long-range ballistic missiles The debate has since continued through changes of Administration and control of Congress making NMD "one of the most visible and controversial programs in DoD history "<sup>3</sup> After winning control of the Congress in the 1994 elections, the Republicans continued this highly political "tug of war" with the President and their Democrat colleagues over NMD program funding and structure

This essay describes and evaluates the processes Republican Members of Congress used to alter the President's NMD program in the FY97 Authorization and Appropriations Bills This paper first compares the Republican and President's plans and provides a prelude to frame the FY97 NMD debate Next, this essay characterizes the formal and informal political processes key

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<sup>1</sup> "Summary of the FY 97 Legislative Process," November 1996, internal DoD document received from a senior Department of Defense acquisition official (confidential source), 5

<sup>2</sup> Steven A Hildreth, "National Missile Defense The Current Debate (Congressional Research Service Report 96-441F)," (Washington Library of Congress, 7 June 1996) 1 Since the advent of intercontinental ballistic missiles over 30 years ago the debate has raged over the best US defense President Reagan's Strategic Defense Initiative only focused the issue by pursuing a highly technology dependent 'global defense shield'

<sup>3</sup> BMD [Ballistic Missile Defense] Program Background History and Political Environment," 1996, received from a senior Department of Defense acquisition official (confidential source), 1

Republican Members of Congress used to present their views. Lastly, it evaluates the effectiveness of their efforts. In the end, although the NMD program received substantially more FY97 funding, the Republicans fell short of their intended goal to accelerate the President's NMD Program and mandate an Initial Operational Capability of 2003.

#### *Historical Background*

The key differences between the Republican and Administration NMD plans can be summarized in three points -- the timing of the emerging missile threat, the readiness of the technology, and the relevance of the ABM Treaty. Contrary to what they saw as a politicized National Intelligence Estimate (NIE) claiming otherwise, the Republicans believe a limited, accidental, or unauthorized ballistic missile attack is our nation's most serious security threat and is possible today. The Administration stands by the NIE that states, "no country, other than the declared nuclear powers, will [obtain] a ballistic missile in the next 15 years" to threaten North America.<sup>4</sup> The Republicans believe the technology exists today for sensors to cue interceptors to protect all fifty states from a single national site in accordance with the ABM Treaty. In contrast, the Administration believes it is more prudent, in light of the threat beyond the planning horizon, to mature the technology<sup>5</sup> while pursuing a strategy that would not violate or threaten the ABM Treaty. This "Diplomacy - Deterrence - Defense"<sup>6</sup> strategy calls for

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<sup>4</sup> David J Osias, "Emerging Missile Threats to North America During the Next 15 Years," November 1995, available from <http://www.fas.org/spp/starwars/offdocs/nie9519.htm>, Internet, accessed 10 December 1996, 1.

<sup>5</sup> John F Harris, "Clinton Warns GOP on Missile Defense," *Washington Post* 23 May 1996, A1.

<sup>6</sup> Lester L Lyles Lt Gen, "Role of Missile Defense in U S National Security Strategy," 13 November 1996, 1. Unpublished paper, presented at a Symposium on Strategy, Force Structure, and Defense Planning for the 21st Century, Fletcher School of Law and Diplomacy, Cambridge MA, awaiting publication.

reducing the threat through treaties, agreements, and weapon reduction programs, deterring the threat with our strategic nuclear missile forces, and preparing to defend against a future threat with a viable NMD program.<sup>7</sup> In summary, the Republican leadership thinks the Administration has systematically dismantled cohesive missile defense programs that were technologically ready to meet today's threat, and relied instead on obsolete "Cold War" ABM and START treaties.

The Republican NMD plan, outlined in the "Defend America Act," calls for a defensive system for all fifty states by 2003.<sup>8</sup> The President's NMD "3+3" deployment readiness program will develop the technology within three years and then make a threat and technology based decision on whether to deploy a system in the remaining three years.<sup>9</sup> Of particular note is that in August 1995, the Administration directed senior defense planners to alter the NMD program from their previous technology readiness program, with no associated deployment plan, to its current "3-3" option,<sup>10</sup> unveiled in the FY97 President's Budget on March 5, 1996.<sup>11</sup> Clearly, the executive branch took this action specifically to ward off Republican criticism.<sup>12</sup> According to a

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<sup>7</sup> Paul G Kaminski, "Statement on Ballistic Missile Defense before the Senate Committee on Armed Services," 6 March 1996 available from <http://acq.osd.mil/ousda/testimonies/bmd.txt>. Internet accessed 13 November 1996, 1-2.

<sup>8</sup> "BMD Program Background," 5

<sup>9</sup> Department of Defense, Ballistic Missile Defense Organization, "National Missile Defense Program (BMDO Fact Sheet 96-005)," March 1996, available from <http://www.acq.osd.mil/bmdo/bmdolink/pdf/96005.pdf> Internet, accessed 3 December 1996, 3.

<sup>10</sup> Department of Defense, Ballistic Missile Defense Organization, "National Missile Defense Program Evolution (BMDO Fact Sheet 96-022)," August 1996, available from <http://www.acq.osd.mil/bmdo/bmdolink/pdf/96022.pdf>, Internet accessed 3 December 1996, 1.

<sup>11</sup> "FY 97 Legislative Process," 1

<sup>12</sup> Confidential source, senior UnderSecretary of Defense (Acquisition and Technology) staff officer, interview by author 22 November 1996, transcribed from notes, Washington. This was not a unanimous decision in the DoD. The Services felt the additional emphasis would take precious resources from their "pet" programs. Even

senior officer on the White House staff, this “vague undefined NMD program” was part of a “defensive plan” to give the President maximum flexibility on this potential election issue<sup>13</sup>

### *Prelude to the Struggle*

The context for the FY97 NMD debate also has two recent historical departure points -- the Republican ‘Contract with America’ mandate and the contentious FY96 NMD legislation. In addition, the backdrop of the 1996 Presidential elections further colors the discussion.

On September 27, 1994, more than 150 current Republican Members of the House and over 200 candidates gathered on the Capitol steps to unveil their “Contract with America.” As part of this contract, the Republicans proposed introducing The National Security Restoration Act to provide “the essential parts of our national security funding to strengthen our national defense.”<sup>14</sup> Consequently, when the Republicans won majority control of Congress, missile defense programs became a cornerstone of the Republican defense agenda.

Following their “Contract with America” agenda, in the FY96 Defense Authorization and Appropriations Bills, the Republicans attempted to change dramatically the President’s NMD Program. In addition to a \$375M Appropriations Bill<sup>15</sup> add above the President’s Budget NMD request, the Republicans directly attacked his NMD policy in the FY96 Defense Authorization

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the Joint Staff was divided due to the threat assessment. Admiral Owens, Vice Chairman Joint Chiefs of Staff reportedly characterized the NMD program as ‘too much money down a rat hole.’

<sup>13</sup> Confidential source senior White House staff officer, interview by author 29 November 1996, transcribed from notes, Washington. Because of the limited number of military officers supporting the White House I was asked by the source not to cite the specific office he supports.

<sup>14</sup> ‘Republican Contract with America,’ 27 September 1994, available from <http://www.house.gov/contract.html> Internet, accessed 3 December 1996. 2

<sup>15</sup> Department of Defense Ballistic Missile Defense Organization *Ballistic Missile Defense FY'96 Funding and Language Track* January 1996, in FY96 DoD Appropriations Conference Report S 1124 H Rept 104-450, PL 104-106, 704-709

Bill. Specifically, they inserted language directing the Secretary of Defense to "develop an affordable and operationally effective national missile defense system, which will attain initial operational capability (IOC) by the end of 2003."<sup>16</sup> However, President Clinton vetoed this bill due to the required fielding date provision, based on lack of a threat, immature technology, and ABM Treaty restrictions.<sup>17</sup> With the upcoming Presidential elections, the Republican Congress agreed to drop this contentious issue. Entering the FY97 NMD resources and policy debate, the revised Republican strategy would try to counter the Administration's objections, while making NMD a key campaign issue for Presidential candidate Senator Bob Dole (R-KS).<sup>18</sup>

#### *Republican Game Plan*

Almost immediately after the veto of the FY96 Defense Authorization Bill, the Republican Congress under the leadership of Senator Trent Lott (R-MS) and Representative Newt Gingrich (R-GA) outlined a strategy to raise NMD as their major FY97 defense issue for the election. The Republicans hoped to score an early election blow against the Administration by changing the NMD program structure with the FY97 Defense Bills. Their overall thrust was to "build consensus among the citizenry"<sup>19</sup> and to portray the Administration as weak on NMD after vetoing the FY96 Defense Authorization Bill. According to Oleszek, in our era of split party

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<sup>16</sup> Ibid., 215a. FY96 DoD Authorization Conference Report S. 1124, H. Rept. 104-450, PL 104-106, 729.

<sup>17</sup> Pat Towell, "Anti-Missile Defense Mandate Dropped in Bow to Clinton," *Congressional Quarterly*, 20 January 1996, 154.

<sup>18</sup> Republican National Committee, 1996 Republican Platform "May 1996 available from [http://www.fas.org/spp/starwars/elect96/plat\\_96\\_r.htm](http://www.fas.org/spp/starwars/elect96/plat_96_r.htm), Internet, accessed 3 December 1996 sec. 14.

<sup>19</sup> Walter J. Oleszek, "The New Era of Congressional Policy-Making," in Thurber's *Rivals for Power: Presidential-Congressional Relations* (Washington: Congressional Quarterly Press, 1996), 61.

control of the Congress and the White House, public opinion is crucial for “purposeful action” on any major issue. Specifically on the NMD issue, the Republicans would cast Senator Dole as an injured warrior who wanted to defend America, versus President Clinton, the draft dodger who favored arms control with potential enemies.<sup>20</sup> The strategy required the intense support of Members of Congress characterized in three broad, overlapping categories -- “true believers,” who fully embraced the ideology of a strong missile defense, constituent/industry servers, who wished to gain popularity in their home states and districts, and lastly, partisans, who strongly supported the Republican leadership ideals.

In the formal legislative process, the centerpiece of the Republican game plan was the Defend America Act, introduced in the House by Representative Bob Livingston (R-LA) and in the Senate by Senator Bob Dole (R-KS).<sup>21</sup> This legislative initiative essentially repeated the FY96 NMD language vetoed by the President, calling for an NMD system by 2003. Additionally, the act addressed the ABM Treaty question by urging the President to reach an agreement with Russia to amend the treaty or exercise our withdrawal option.<sup>22</sup>

To complement the act, Representative Gingrich chose Representative Curt Weldon (R-PA), a “true believer” and Chairman of the National Security Subcommittee on Military Research and Development, to lead the NMD fight. Representative Weldon had already proved himself a

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<sup>20</sup> Confidential source, senior Department of Defense acquisition official, interview by author, 10 December 1996, transcribed from notes Washington

<sup>21</sup> “Analysis of the Defend America Act of 1996,” March 1996, available from <http://www.fas.org/spp/starwars/analysis/act96.htm>, Internet, accessed 13 November 1996, 1-2

<sup>22</sup> Hildreth, 3

powerful bipartisan coalition builder with his defense of the V-22 program<sup>23</sup> As he had done with the V-22, Representative Weldon used a mixture of formal and informal processes First, to counter the Administration's 1995 NIE, technology, and ABM Treaty assumptions, he set up subcommittee hearings that he used as a "bully pulpit" to energize member and media attention<sup>24</sup> His attack on the Administration's "politicized" NIE was so successful it resulted in language in the FY97 Defense Authorization calling for an independent review<sup>25</sup> In addition, to counter the Administration's technology readiness and ABM Treaty claims, Representative Weldon called DoD officials to his subcommittee to present plans for treaty compliant "emergency response" systems that could be fielded using today's technology<sup>26</sup> Outside the formal legislative processes, Congressman Weldon gave speeches and wrote national magazine articles,<sup>27</sup> and formed a citizen's group to draw public attention to the NMD issue<sup>28</sup> He also started a House Missile Defense Caucus to co-opt moderate Democrats to the NMD cause, persuading Members to take program office briefings and view technology demonstrations<sup>29</sup> As he had done with the

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<sup>23</sup> James Kitfield "Going Ballistic," *National Journal* 15 June 1996, 1320

<sup>24</sup> Pat Towell, "GOP, Democrats Cross Swords Over Anti-Missile Systems." *Congressional Quarterly*, 2 March 1996, 562

<sup>25</sup> Department of Defense, Ballistic Missile Defense Organization *Ballistic Missile Defense FY97 Funding and Language Track*, October 1996 76 FY97 DoD Authorization Conference Report H.R. 3230, H.Rept 104-724, PL 104-201 300 Subsequently, in December 1996 the review found the NIE wasn't politicized but instead had used some faulty assumptions about ballistic missile delivery systems Walter Pincus 'Panel Intelligence Estimate Wasn't Skewed.' *Washington Post*, 5 December 1996, A12

<sup>26</sup> Secretary of the Air Force/Office of Legislative Liaison, Congressional Hearing Resume National Missile Defense Near Term Options ' 18 June 1996, 1-3 The primary options considered were reuse of Air Force Minuteman missiles or a modified Army system as interceptors

<sup>27</sup> Curt Weldon Congressman (R-PA) "Why We Must Act at Once," *Orbis*, Winter 1996 63-69

<sup>28</sup> Confidential source senior Department of Defense acquisition official

<sup>29</sup> *Ibid*

V-22, Congressman Weldon also tried to form an industry interest group, but this faltered since the NMD system was still an undefined concept with no specific product<sup>30</sup> Senators Trent Lott (R-MS), Bob Smith (R-NH), Ted Stevens (R-AK), Jon Kyl (R-AZ), Thad Cochran (R-MS), and John Warner (R-VA) led the NMD Senate debate, primarily using floor speeches and committee influence to appeal to their colleagues' constituent/industry needs Not surprisingly, in addition to being "true NMD believers," each also had a significant state interest in NMD For example, Mississippi and Virginia are ship-building states, with contractors working on Navy theater level BMD systems that will lead to any NMD solution<sup>31</sup> In their floor speeches, they attacked the Administration's slant toward arms control instead of NMD<sup>32</sup> Similarly, to use partisan influence upon Republican deficit-hawk freshmen, Senator Kyl and Representative Gingrich held numerous party caucus meetings to sway their opinion toward NMD<sup>33</sup> Finally, Senator Dole took the lead in public forums, at every turn decrying President Clinton's weak NMD approach<sup>34</sup> Clearly, the Republicans had devoted and organized many resources on the NMD issue to ensure its success

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<sup>30</sup> Confidential source, senior Air Force acquisition official interview by author, 11 December 1996, transcribed from notes, Washington

<sup>31</sup> Confidential source, senior Department of Defense acquisition official Likewise, Senators Kyl and Smith have large radar contractors that will also play greatly in any NMD program Senator Stevens wanted to cultivate interest in a dual use space launch facility in Alaska

<sup>32</sup> "BMD Program Background," 3

<sup>33</sup> Jack Anderson and Michael Binstein, "GOP Freshmen's Anti-Missile Sticker Shock," *Washington Post*, 3 June 1996, B11

<sup>34</sup> Pat Towell "Anti-Missile Bill Sidetracked by High Cost Estimate." *Congressional Quarterly*, 25 May 1996, 1470

### *Process Effectiveness*

Although the game plan was organized, the Republicans inexplicably failed to anticipate two crucial aspects of the political process -- program cost and lack of public interest. On the eve of the House debate on the Defend America Act, the Congressional Budget Office (CBO) released their estimate of the proposed legislation. Using a liberal interpretation of NMD system requirements, CBO estimated the legislation may cost "nearly \$10B over the next five years, or about \$7B more than programmed."<sup>35</sup> Even worse, the long term system costs through 2010 were estimated at \$31 - \$60B.<sup>36</sup> The House never debated the Defend America Act. According to Kirkpatrick, "someone was asleep at the switch [and] should have been working closely with CBO."<sup>37</sup> A confidential source stated, "staff members for Senators Carl Levin (D-MI) and Dale Bumpers (D-AR) worked with CBO on this system estimate."<sup>38</sup> Over the cost issue, the companion Senate Act also quickly died without resolution after being debated on the floor.<sup>39</sup>

Secondly, the NMD issue failed to resonate with the American public which significantly reduced the Republicans' ability to make substantial changes in the program structure. Numerous polls throughout 1996 showed the public not interested in defense issues. For example, "Defense" did not make it in the list of "Top 8" matters voters considered important. Not

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<sup>35</sup> Congressional Budget Office, "Budgetary Implications of H.R. 3144: The Defend America Act of 1996," May 1996, available from [http://www.fas.org/spp/starwars/congress/1996\\_r/cbo1505a.htm](http://www.fas.org/spp/starwars/congress/1996_r/cbo1505a.htm), Internet, accessed 17 November 1996, 1. Instead of pricing a basic NMD system, the CBO reviewed a complex ground and space-based layered" system, significantly increasing the estimate. Hildreth, 8.

<sup>36</sup> Ibid

<sup>37</sup> James Kitfield, "America's Not Listening," *National Journal*, 13 July 1996, 1525-1526

<sup>38</sup> Confidential source senior Department of Defense acquisition official

<sup>39</sup> "FY 97 Legislative Process," 3

surprisingly, budget deficit was number two behind Medicare/Social Security<sup>40</sup> The consensus of the people was clear -- the President's "3+3" NMD program was adequate, especially when faced with the large Republican program cost estimates

Given these circumstances, the Republicans had to retreat to the classic back-room process of subcommittee bill mark-ups to add an additional \$325M to the President's \$508M NMD request<sup>41</sup> Several key informal constituent/industry based "trades" between the Republican Congress and the executive branch were required For example, Dr Paul Kaminski, UnderSecretary of Defense (Acquisition and Technology) was forced to negotiate with Senator Stevens (R-AK), Chairman, Subcommittee on Defense Appropriations, on the highly political issue of NMD program office basing<sup>42</sup> Two days prior to the appropriations conference report, to gain Senator Stevens' favor on NMD and other DoD programs, Dr Kaminski privately agreed to earmark \$23M of NMD funds to "fully explore an Air Force [Minuteman Interceptor] concept"<sup>43</sup> According to confidential sources, this translates to a \$5M study and an \$18M missile launch test facility at Kodiak, Alaska<sup>44</sup>

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<sup>40</sup> 'Voters The Reasons Why' *National Journal* 9 November 1996, 2408

<sup>41</sup> *FY97 Funding and Language Track*, October 1996, 11 FY97 DoD Appropriations Conference Report H R 3610, H Rept 104-863, PL 104-208, 122

<sup>42</sup> With NMD moving to a deployment readiness status, the DoD had to designate a program office to oversee this major acquisition The DoD position was to base the NMD program office in Washington For strictly "home district" political reasons, keeping defense and support contractor jobs, the Alabama Congressional delegation wanted the office in Huntsville with the Army's missile command As a result of Dr Kaminski's negotiation, the FY97 language calls for a cost benefit analysis to study program office basing *Ibid* 83 FY97 DoD Appropriations Conference Report H R 3610, H Rept 104-863 PL 104-208, 121

<sup>43</sup> *Ibid*

<sup>44</sup> Confidential source senior Air Force acquisition official This 'quietly negotiated undocumented deal' was consistently mentioned by every DoD official interviewed Senator Stevens got his space launch facilities!

### *Conclusion*

Although the Republican strategy to change the President's NMD program plan and use it as an election issue faltered, the Republicans were partially successful in making significant funding changes. Despite a structured, well-organized strategy that incorporated both formal and informal political processes and involved key party leadership, the Republican efforts were undermined by failure to control cost estimates and positively affect public opinion. This short study in the Congressional - Presidential process over a national security issue illustrates the extreme care advocates must take to properly frame the debate for the public while always anticipating the opposition's arguments.

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